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Ravalli County Commissioners

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OG-07-01-51

January 22, 2007

Garry Shook

Plumtree Properties, LLC
PO Box 441
Darby, MT 59829

RE: Floodplain Permit Application for VLTN-06-03
Section 36, T6N, R21W, Ravalli County
Parcel 602450/Geocode 1467-36-4-01-69-0000, Parcel 602470/Geocode 1467-36-4-01-70-0000

Dear Mr. Shook:

This letter is in response to your letter dated January 11, 2007. The application information you submitted for the "After-the-Fact" Floodplain Permit has been reviewed in accordance with the Ravalli County Floodplain Regulations. We appreciate the information provided; however, more detail is necessary to adequately evaluate the application and must be submitted before the application may be found sufficient:

In response to your general statement that you are not requesting a floodplain permit for any activities following March 15, 2006, it would be better to state that you are requesting a floodplain permit for any activities that have occurred to the present date to ensure that all development has been reviewed. We would be happy to review any proposed activities under the same permit application and fee, but if you do not want to address proposed activities at this time we will process your application in accordance with your wishes and a new floodplain permit will need to be obtained prior to any new development activities taking place.

1. Base Map/Site Plan:

- a) The datum utilized on the provided map is still unclear because it is not documented on the map. If what you are saying in your letter is that you used NAVD 88, as was used in the Bitterroot River Floodplain Management Study, please document it on a revised map.
- b) The cross sections appear to have been determined from the FIRM, which are approximations, rather than the Bitterroot River Floodplain Management Study (also known as the FIS), which is the study used to create the FIRMs. The cross sections must be tied to the cross sections of the FIS, not interpolated from the approximate base flood elevation lines on the FIRM. Please revise the base map using the FIS cross sections and re-identify all areas below the base flood elevation on the map. Then address all projects within those areas in the application.
- c) As previously requested, please provide a larger replica of the color 11X17 (untitled) map (originally submitted October 3, 2006) with all spot elevations. (The elevations colored in blue appear to have been neglected on the revised map submitted with your letter.) Please describe what method was used to obtain each set of spot elevations on the map. Part of the reason for requesting this information is because we have learned that many of the spot elevations provided have been extrapolated based on photogrammetry using several control points. This approach is unacceptable because we do not have data establishing the

accuracy of the control points, furthermore, this type of analysis does not establish the level of accuracy needed for floodplain management. Ground surveyed elevations certified by a professional land surveyor or a professional engineer are necessary to adequately establish the location of the regulatory floodplain pursuant to the Administrative Rules of Montana for Floodplain Management 36.15.501 (6).

- d) Contour lines are delineated on the map, but are not numbered. Please establish the elevations of the contour lines.

Again, because additional expense may be incurred to create the revised map noted above, you may alternatively provide the datum information, control points, elevation points, contour lines and cross section data in digital format so that we may import it into our GIS. We could then create for you a working map of your data for the floodplain permit application.

Once the base map and datum is addressed through either of the options above, the following sections of the application need to be addressed for all areas within the mapped and elevational floodplain:

2. Section C

- a) Item 1: There are two key issues that have not been adequately addressed: 1) a slightly modified version of the floodplain as approximated on FIRM/FIS maps is being utilized instead of the actual regulatory floodplain, which must be delineated based on ground-surveyed elevations; and 2) not all activities have been documented in the application such as the fill/burn pile located near the northwest corner of the property and the excavation for the pond located approximately 245 feet from the edge of the delineated floodplain. It is clear from all of the maps provided to date that there are multiple locations with elevations below the base flood elevation, which lie within the regulatory floodplain and must be shown as such on the site plan/map provided with your application.

Again, on the site plan/map(s), identify the actual floodplain based on ground-surveyed elevational data and identify all projects (per Section C, Item 2). As appropriate, also submit elevation view/cross sections for all projects and include dimensions of fill, excavations, alterations, road, etc.

- b) Item 6: You have indicated that the previously proposed road and septic work will no longer be covered under this application; however, this section still needs to be revised to address the dimension of all projects that are to be covered under this application such as fill (such as burn piles) and excavation work (such as road crossings, ponds, fence clearing areas, etc.).
- c) Item 8: You have stated that no fill or excavation was completed within the regulatory floodplain. From the information available in our office, this does not appear to be the case. For example, there was road preparation/excavation activities (extension of the existing road) completed through the approximate mapped floodplain and two pits were filled within the elevational, and therefore regulatory, floodplain.

Again, for all projects within the elevational/regulatory floodplain, please clarify on the base map where/how many cubic yards of soil will be/have been excavated and identify where the excess excavated material will be relocated. If applicable to this permit, locate where/how many cubic yards of road base and gravel will be placed and indicate if culverts will be installed. Please also identify how much and what type of fill was placed in the "farm pits".

3. Section D

- a) Item 4: We understand that arrangements have been made regarding permits with other agencies. Please provide copies of the permit pending with the US Army Corps of Engineers and other permits (pending, waived or received), such as those from the Department of Natural Resources and Conservation and the Department of Environmental Quality.

4. We typically request a supplemental narrative explaining how the project(s) will meet the Floodplain Regulations. Since much of this information has already been provided elsewhere in the application we will waive the standard request and only need a narrative explaining how and why you believe the projects meet the minimum standards (as outlined in Table 4-6-1) for the following items:
- a) Limited fill (for the road crossing) – Your narrative should indicate that the project does not result in a cumulative increase in base flood elevations of more than one-half (1/2) foot nor cause a significant increase in flood velocities. (Since this project involves the practice of engineering, please provide responses signed and certified with your professional engineer stamp.)
 - b) Pond, pits, excavations – Your narrative should indicate that:
 - 1) A buffer strip of undisturbed land is left between the edge of the channel and the edge of the excavation. This buffer strip shall be sufficient width to prevent flood flows from flowing into and/or out of the excavation.
 - 2) Excavated material is disposed of or stockpiled outside the floodway.

After we receive the requested information, the application will be reviewed again for sufficiency. You will then be notified if your application is found sufficient and, if applicable, public notice will then be given. If you have any questions, please feel free to contact our office at (406) 375-6530.

Respectfully,



Laura Hendrix, CFM
Ravalli County Floodplain Administrator

cc: Correspondence File-General, File VLTN-06-03
George Corn, Ravalli County Attorney's Office
Ravalli County Commissioners
Ravalli County Environmental Health Department
Larry Schock, DNRC
David Markette/Dustin Chouinard
Datsopoulos, MacDonald, & Lind